

DEPOSITION OF PAM NELSON

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF WYOMING

3 WILLIAM JEROME RUTH, individually,
4 and as Wrongful Death Representative
5 of the ESTATE OF CYNTHIA SHOOK RUTH,

6 Plaintiff,

7 V.

8 BEARTOOTH ELECTRIC COOPERATIVE, INC.,
9 a Montana Corporation, and ASPLUNDH
10 TREE EXPERT, LLC, a Limited Liability
11 Company formed in Pennsylvania,

12 Defendants.

13 DEPOSITION OF PAM NELSON
14 March 13, 2023
15 8:00 a.m.

16 PURSUANT TO THE UNITED STATES RULES OF FEDERAL
17 PROCEDURE, this Deposition was:

18 TAKEN BY: Kenneth E. Barker, Esq.
19 Attorney for Plaintiff

20 REPORTED BY: Barbara Jean Morgenweck, RPR, CCR
21 NCRA, RPR
22 New Mexico CCR #526
23
24
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1 10:39 from your phone record.
 2 A. Correct.
 3 Q. Okay. You mentioned that you didn't receive
 4 an evacuation order.
 5 A. I did not get one. Or I didn't see it. I
 6 didn't look -- you know, I wasn't aware of it.
 7 There was no -- apparently there were no phones,
 8 because I got no phone call, so yeah.
 9 Q. Prior to this date, prior to November 15th
 10 of 2021, had you ever received an evacuation notice?
 11 A. I didn't even know the system was in place
 12 to be honest. So yeah.
 13 Q. Do you believe you were on the system?
 14 A. Yes. I saw it later.
 15 Q. Okay. Well, how did you see it later?
 16 A. Both text and I think there was a voicemail.
 17 So there was text and voicemail.
 18 Q. On your phone?
 19 A. On my phone. On the landline phone and then
 20 on the -- on my email. I had an email, they
 21 had emailed. Oh, my gosh. Let's see, how was it?
 22 Text. I believe it was -- I know it was the
 23 landline, that there was a voicemail on later. And
 24 I think it was text. But I don't have that. I
 25 can't go back that far to check. I think. So

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1 don't -- I just remember that I saw it the next
 2 morning that there had been an evacuation notice and
 3 I had missed it completely the night before.
 4 Q. So you missed it, but that doesn't mean you
 5 didn't receive it.
 6 A. That's very true.
 7 Q. Okay.
 8 A. Yeah. I didn't see it.
 9 Q. Do you still have -- how long do you keep
 10 your text messages?
 11 A. I tried going back, all the way back here,
 12 all the way back to this date to see if I could see
 13 any communication stuff. It's gone. It doesn't go
 14 back that far.
 15 Q. Okay. How about your landline, do you still
 16 have the --
 17 A. Those are all deleted when I moved, yeah.
 18 All my -- is that what you mean?
 19 Q. Who deleted them?
 20 A. Well, I deleted messages when I moved out of
 21 the cottage.
 22 Q. Okay. But you do recall hearing a voice
 23 message on your landline?
 24 A. I don't remember. I don't remember how I
 25 saw it. I know I saw that there had been an

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1 evacuation. I was aware of the next morning that
 2 there had been an evacuation notice, two forms of
 3 it. I remember there was two things that they had
 4 done and I had seen neither of them the night before
 5 and that's all.
 6 Q. Okay. I just want to make sure the record's
 7 clear.
 8 A. Yeah.
 9 Q. But you did see them the next day?
 10 A. I did.
 11 Q. And they were --
 12 A. Or hear, yeah.
 13 Q. Well. They -- what I'm trying to get at is,
 14 did you receive evacuation notices on November 15th
 15 or November 16th?
 16 A. I will presume they sent them the night of
 17 the fire.
 18 Q. And you presume that because you saw them
 19 the next day?
 20 A. Correct.
 21 Q. Or listened to it the next day?
 22 A. Correct.
 23 Q. Okay. So you woke up at 10:39. Does your
 24 dog stay inside with you?
 25 A. Yep.

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1 Q. At night?
 2 A. Yep.
 3 Q. Okay. What was the dog doing?
 4 A. You know, I hardly remember. I grabbed -- I
 5 have two barn cats and my pup and they were the
 6 first in the truck with my memorabilia stuff. So
 7 she was out of the way. And then she was with me
 8 when I moved the horses across the creek over to my
 9 neighbors. And I left her there with the -- you
 10 know, in the truck with the cats and my stuff. And
 11 then came back with Ron, my neighbor, to go do the
 12 checking, so yeah.
 13 Q. Okay. So the dog would have been in the
 14 house with you when you went to bed that night?
 15 A. Yes.
 16 Q. Around 8:00 or 8:30 whenever that was?
 17 A. Yes, uh-huh.
 18 Q. And do you have any recollection of the dog
 19 barking or anything like that, waking you up?
 20 A. No.
 21 Q. Okay.
 22 A. No recollection.
 23 Q. What kind of horse trailer? You said that
 24 the wind moved your horse trailer and it was loaded?
 25 A. Yes. Yes, it's crazy. It's a stock

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1 trailer, 20-foot stock trailer. And I had three
2 horses in there. And I would -- I had crossed the
3 bridge and on -- and was on the upward towards IAB.
4 There was a fire -- fire tanker that had gotten
5 stuck alongside the road. Loose gravel there and he
6 had gotten off a little bit. And it's very washed
7 out. And my horse trailer, a gust came and pushed
8 that horse trailer, slid it over towards the tanker.
9 And I was already in four-wheel drive, I just put it
10 in four wheel low and just pulled it out of there.
11 So it blew the trailer.

12 Q. Do you know how many feet it slid the
13 trailer?

14 A. No. Not -- maybe not even feet, right. I
15 just -- I could feel it move with the wind gust.
16 The whole thing slid, so -- I took off pretty
17 quickly.

18 Q. Okay. Do you know what make and model your
19 horse trailer is?

20 A. Double D. And old. 19 something.

21 Q. Okay.

22 A. It's a camp trailer. I can get details if
23 you want.

24 Q. Okay. You talked about the Hutton fire
25 protocols.

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1 A. Yes.

2 Q. Were those in writing?

3 A. No. It wasn't a written -- no, it was not
4 written. No. And to project a little, it was so
5 rare that we'd have a fire that there was -- it was
6 a -- when it would happen, it was laid out to
7 everybody very clearly what would -- and, you know,
8 it wasn't -- it just didn't -- no. It was not in
9 writing.

10 Q. Who laid the protocols out very clearly?
11 Who did that?

12 A. Gretchen Hutton.

13 Q. Okay. When did she do that first with you?

14 A. The -- when I first arrived on camp to be a
15 volunteer back in like 2012. But it was more on a
16 general, we don't -- the tenor of anything there,
17 because of the history, is that they there just
18 aren't fires. So it was more like if we don't --
19 you know, do, and if you connect with us, if we're
20 ever going to -- we'll let you know. It just didn't
21 happen. I don't know how to say this. Just like --
22 yeah.

23 Q. Let me clarify my question --

24 A. Sure.

25 Q. -- and it may help you answer it.

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1 When you say there aren't fires, do you mean
2 that the Huttons would not allow guests to have
3 fires on the property?

4 A. It would -- like so the guests were, again,
5 family. And Huttons would be with them or I would
6 be with them. So protocol would be a matter of
7 the -- it would be explicit that there are -- again,
8 very rare, I think I have never had a fire with my
9 family that's been there. I know Huttons have had,
10 with one of the staff members that came to visit,
11 they had a little fire up by the main thing. That's
12 like what I can remember.

13 And then I'll caveat that, though. And it
14 was bucket of water. And, you know, you stay until
15 the end and you cover the fire. I mean, all of it,
16 so -- but that's -- yeah. Just very rare.

17 Q. I just -- what I was trying to do is clarify
18 when you said there aren't fires. You didn't mean
19 there aren't wildfires, because we know there was
20 one in 2007 and we know there was in June of 2021.

21 A. I need to be more clear. We don't have
22 bonfires or campfires because of the main wildfires
23 that happen. I'm sorry.

24 Q. Thank you.

25 A. Unclear.

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1 Q. Thank you. You said that you went back to
2 bed that night or the next morning at 3:00 a.m.
3 approximately, is that --

4 A. Possibly.

5 Q. -- correct?

6 A. I really don't know what time it was. I
7 just remember I laid down again some time before the
8 sun came up.

9 Q. Okay. When you went back to bed at
10 3:00 a.m. had the fire passed through your area?

11 A. Yes.

12 Q. So it was safe -- you felt it was safe for
13 you to go back in your cottage and go to sleep?

14 A. Yes, yes.

15 Q. Do you have any idea when the fire was gone
16 from your area?

17 A. I would -- let's see. If I were to look at
18 my photos and see the fire that I took of when it
19 was up at Goldberg's, it was not long after that
20 before it had moved down into the creek. So I could
21 get a sense of time from that photo.

22 Q. Okay. Is that Photo 25?

23 A. Which exhibit?

24 Q. Exhibit 14.

25 MR. BARKER: I'm sorry, Hank. What photo